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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,003	01/21/2004	Mark Neuhalfen	2004-0017	4517

7590

10/05/2006

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EXAMINER

NGO, LIEN M

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,003

Applicant(s)

NEUHALFEN, MARK

Examiner

LIEN TM NGO

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 5, 10, 11, 20 and 23-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 12-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1 and 2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I, claims 1-4,6-9,12-19, 21 and 22 in the reply filed on 8/11/06 is acknowledged.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two claims 33 in the application.

The second claim 33 been renumbered 34.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-9, 12, 17-19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pelton et al. (4,293,353).). A mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container, comprising: a peripheral rim 122 located in proximity to an outer periphery of said mounting cup for sealing said mounting cup to the aerosol container; a

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turret 20 located in proximity to an inner periphery of said mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container; and a mounting surface located intermediate said peripheral rim and said turret for securing the collapsible container 12 to said mounting cup; and bonding for securing the collapsible container to the mounting cup. The mounting surface comprises a cylindrical surface having an axis coincident with an axis of the mounting cup and defines a cylindrical recess within the mounting cup.

5. Claims 1-4, 6-9, 12-19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Giggard (4,185,758). A mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container, comprising: a peripheral rim 16 located in proximity to an outer periphery of said mounting cup for sealing said mounting cup to the aerosol container; a turret 14 located in proximity to an inner periphery of said mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container; and a mounting surface located intermediate said peripheral rim and said turret for securing the collapsible container 17 to said mounting cup. The mounting surface comprises a cylindrical surface having an axis coincident with an axis of the mounting cup and defines a cylindrical recess within the mounting cup. The mounting cup includes a first polymeric bond material 18 laminated on the mounting surface of mounting cup; a second polymeric bond material located on the collapsible container (laminated polyester, col. 2, lines 12-15); and said first polymeric bond material bonding to said

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second polymeric bond material by heating for securing the collapsible container to said mounting cup.

6. Claims 1-4, 6-9, 12-13, 17-19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kain (3,940,026). A mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container, comprising: a peripheral rim 16 located in proximity to an outer periphery of said mounting cup for sealing said mounting cup to the aerosol container; a turret 16 A located in proximity to an inner periphery of said mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container; and a mounting surface 26 located intermediate said peripheral rim and said turret for securing the collapsible container 24 to said mounting cup; and bonding 28 for securing the collapsible container to the mounting cup. The mounting surface comprises a cylindrical surface having an axis coincident with an axis of the mounting cup and defines a cylindrical recess within the mounting cup.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelton et al. in view of Giggard.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a polymeric bond material laminated on the mounting surface of mounting cup of the Pelton et al., as taught by Giggard, in order to enhance the bonding between the mounting cup and the collapsible bag under heating.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
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September 29, 2006

A handwritten signature in black ink, appearing to be 'W. H. H.', written in a cursive style.